

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	File Number: EB-06-SJ-024
)	
Carnival Cruise Lines Inc.)	NAL/Acct. No. 200732680001
San Juan, Puerto Rico)	
)	FRN 0015642390
)	

ORDER

Adopted: June 15, 2007**Released: June 19, 2007**

By the Assistant Chief, Enforcement Bureau:

1. In this Order, we adopt the attached Consent Decree entered into between the Enforcement Bureau ("Bureau") and Carnival Cruise Lines Inc. ("Carnival"). The Consent Decree terminates the forfeiture proceeding initiated by the Bureau against Carnival for its apparent violation of Section 301 of the Communications Act of 1934, as amended ("Act"),¹ by operating unlicensed radio transmitters.²

2. The Bureau and Carnival have negotiated the terms of a Consent Decree that would resolve this matter and terminate the forfeiture proceeding. A copy of the Consent Decree is attached hereto and incorporated by reference.

3. After reviewing the terms of the Consent Decree and evaluating the facts before us, we find that the public interest would be served by approving the Consent Decree and terminating the forfeiture proceeding.

4. Accordingly, **IT IS ORDERED** that, pursuant to Sections 4(i) and 503(b) of the Communications Act of 1934, as amended,³ and the authority delegated in Sections 0.111 and 0.311 of the Commission's Rules,⁴ the Consent Decree attached to this Order **IS ADOPTED**.

5. **IT IS FURTHER ORDERED** that the forfeiture proceeding against Carnival **IS TERMINATED**.

6. **IT IS FURTHER ORDERED** that Carnival Cruise Lines Inc. shall make its voluntary contribution to the United States Treasury, as specified in the Consent Decree, by mailing a check or similar instrument, payable to the order of the Federal Communications Commission, P.O. Box 358340, Pittsburgh, PA 15251-8340. Payment by overnight mail may be sent to Mellon Bank /LB 358340, 500 Ross Street, Room 1540670, Pittsburgh, PA 15251. Payment by wire transfer

¹ 47 U.S.C. § 301.

² See *Carnival Cruise Lines Inc.*, Notice of Apparent Liability, NAL/Acct. No. 200732680001 (Enf. Bur. San Juan Office, rel. October 24, 2006) ("NAL").

³ 47 U.S.C. §§ 4(i) and 503(b).

⁴ 47 C.F.R. §§ 0.111 and 0.311.

may be made to ABA Number 043000261, receiving bank Mellon Bank, and account number 911-6106. The payment, regardless of how sent, must include the FRN No. referenced above.

7. **IT IS FURTHER ORDERED** that a copy of this Order and Consent Decree shall be sent by first class mail and certified mail, return receipt requested, to counsel for Carnival Cruise Lines Inc., Charles Blocksidge, Esquire, Blank, Rome LLP, Watergate, 600 New Hampshire Ave. NW, Washington, DC 20037 and to Carnival at its address of record.

FEDERAL COMMUNICATIONS COMMISSION

George R. Dillon
Assistant Chief, Enforcement Bureau

CONSENT DECREE

The Enforcement Bureau of the Federal Communications Commission (“Bureau”) and Carnival Cruise Lines Inc. (“Carnival”) hereby enter into this Consent Decree regarding possible violations of Section 301 of the Communications Act of 1934, as amended (“Act”),⁵ concerning Carnival’s operation of certain radio transmitters.

Definitions

1. For the purposes of this Consent Decree, the following definitions shall apply:
 - (a) “Adopting Order” means the order of the Enforcement Bureau adopting this Consent Decree;
 - (b) “Act” means the Communications Act of 1934, as amended, Title 47 of the United States Code;
 - (c) “Bureau” means the Enforcement Bureau of the Federal Communications Commission;
 - (d) “Carnival” means Carnival Cruise Lines, a division of Carnival Corporation a/k/a Carnival Cruise Lines Inc.;
 - (e) “Commission” means the Federal Communications Commission;
 - (f) “Compliance Plan” means the processes and procedures developed by Carnival in an effort to ensure compliance with the Communications Act and the Commission's Rules regarding the operation of its shipboard Digital Enhanced Cordless Telecommunications (“DECT”) system, as summarized in this Consent Decree;
 - (g) “Final Order” means the Adopting Order that is no longer subject to administrative or judicial reconsideration, review, appeal, or stay;
 - (h) “Investigation” means the investigation of the alleged Rule violations by Carnival culminating in the *Notice of Apparent Liability for Forfeiture*.
 - (i) “*Notice of Apparent Liability for Forfeiture*” or “NAL” means Carnival Cruise Lines Inc., NAL/Acct. No. 200732680001, released October 24, 2006 (corrected copy);
 - (j) “Parties” means the Bureau and Carnival; and
 - (k) “Rules” means the Commission’s regulations set forth in Title 47 of the Code of Federal Regulations.

Background

⁵ 47 U.S.C. § 301.

2. In response to a complaint of interference, agents from the Commission's San Juan Office of the Enforcement Bureau monitored radio transmissions on the PCS F Block band (1.890 GHz to 1.895 GHz) at the San Juan, Puerto Rico waterfront. Using direction finding techniques, the agents determined that Carnival operated radio transmitters on the PCS F Block frequencies from cruise ships, while docked at the San Juan harbor.

3. On October 24, 2006, the Enforcement Bureau released the *Notice of Apparent Liability for Forfeiture* to Carnival in the amount of \$20,000 for apparent willful and repeated violations of Section 301 of the Act.

4. Carnival and the Bureau acknowledge that any proceeding that might result from the Investigation will require the significant expenditure of public and private resources. To conserve such resources and to promote compliance by Carnival with the Act, Carnival and the Bureau hereby enter into this Consent Decree in consideration of the mutual commitments made herein.

Terms of Settlement

5. The Parties agree that the provisions of this Consent Decree shall be subject to final approval by the Bureau by incorporation of such provisions by reference in the Adopting Order.

6. The Parties agree that this Consent Decree shall become binding on the Parties on the Effective Date. Carnival and the Bureau represent and warrant that its signatory is duly authorized to enter into this Consent Decree on its behalf. Upon release, the Adopting Order and this Consent Decree shall have the same force and effect as any other final order of the Commission and any violation of the terms or conditions of this Consent Decree shall constitute a violation of a Commission order.

7. Carnival acknowledges that the Bureau has jurisdiction over the matters contained in this Consent Decree and the authority to enter into and adopt this Consent Decree.

8. The Parties waive any rights they may have to seek administrative or judicial reconsideration, review, appeal or stay, or to otherwise challenge or contest the validity of this Consent Decree and the Adopting Order, provided that the Adopting Order adopts the Consent Decree without change, addition or modification.

9. The Parties agree that this Consent Decree does not constitute either an adjudication on the merits or a factual or legal finding or determination of any compliance or noncompliance with the Act or the Rules. The Parties further agree that this Consent Decree is for settlement purposes only and that by agreeing to the Consent Decree, Carnival does not admit or deny any liability for violating the Act or the Rules in connection with the matters that are the subject of this Consent Decree.

10. In express reliance on the covenants and representations in this Consent Decree, the Bureau agrees to terminate the Investigation and forfeiture proceeding.

11. Carnival agrees that, as of the release of the Adopting Order ("Effective Date" of this Consent Decree) and until such time as a U.S. compliant shipboard DECT system is installed:

i. It will de-energize the shipboard DECT systems upon entering one mile from any US port.

ii. It will disable the F Block band on its shipboard transmitting equipment upon entering one mile from any US port as a backup to de-energizing the DECT systems in order to prevent any inadvertent interference.

iii. The Shipboard Electrical Officer on each of the Carnival vessels equipped with a DECT system will ensure that the DECT system is de-energized and the F Block band is disabled prior to the vessel entering any U.S. port. Within thirty (30) days of the Effective Date of this Consent Decree, an internal memorandum will be issued to ensure that the Shipboard Electrical Officer is advised of this Consent Decree.

12. The Parties acknowledge that this Consent Decree shall constitute a final and binding settlement between Carnival and the Bureau regarding possible violations of Section 301 of the Act specified in the *NAL*. In consideration for termination by the Bureau of the Investigation and forfeiture proceeding and in accordance with the terms of this Consent Decree, Carnival agrees to the terms set forth herein.

13. The Bureau agrees that it will not entertain, or institute on its own motion, any new proceeding, formal or informal, or take any action on its own motion against Carnival for the possible violations of Section 301 of the Rules committed prior to this Consent Decree. Nothing in this Consent Decree shall prevent the Bureau from instituting investigations or enforcement proceedings against Carnival in the event of any other alleged misconduct that violates this Consent Decree or that violates any provision of the Act or the Rules.

14. The Parties also agree that any provision of this Consent Decree which conflicts with any subsequent rule, order of general applicability or other decision of general applicability adopted by the Commission will be superseded by such Commission rule, order or other decision.

15. Carnival shall make a voluntary contribution to the United States Treasury in the amount of twenty thousand dollars (\$20,000) within 30 days of the release of the Adopting Order. Such payment will be made without further protest or recourse, by check or similar instrument, payable to the order of the Federal Communications Commission. Such payment will include the FRN No. referenced in the Adopting Order. Such payment by check or money order may be mailed to Federal Communications Commission, P.O. Box 358340, Pittsburgh, PA 15251-8340. Such payment by overnight mail may be sent to Mellon Bank /LB 358340, 500 Ross Street, Room 1540670, Pittsburgh, PA 15251. Such payment by wire transfer may be made to ABA Number 043000261, receiving bank Mellon Bank, and account number 9116229.

16. Carnival waives any and all rights it may have to seek administrative or judicial reconsideration, review, appeal or stay, or to otherwise challenge or contest the validity of this Consent Decree and the Adopting Order, provided the Order adopts the Consent Decree without modification.

17. The effectiveness of this Consent Decree is expressly contingent upon issuance of the Adopting Order, provided the Adopting Order adopts the Consent Decree without modification.

18. In the event any court of competent jurisdiction renders this Consent Decree invalid, the Consent Decree shall become null and void and may not be used in any manner in any legal proceeding.

19. If the Commission, or the United States on behalf of the Commission, brings a judicial action to enforce the terms of the Adopting Order, neither Carnival nor the Commission will contest the validity of the Consent Decree or Adopting Order, and Carnival will waive any statutory right to a trial *de novo*.

20. Carnival agrees to waive any claims it may otherwise have under the Equal Access to Justice Act, 5 U.S.C. § 504 and 47 C.F.R. §§ 1.1501 *et seq.*

21. Any violation of the Consent Decree, including but not limited to a failure to make a payment required by Paragraph 16 hereof, or the Adopting Order will constitute a separate violation of a Commission order, entitling the Commission to exercise any rights and remedies attendant to the enforcement of a Commission order.

22. Carnival and the Bureau agree to be bound by the terms and conditions stated herein.

23. This Consent Decree may be signed in counterparts.

ENFORCEMENT BUREAU

FEDERAL COMMUNICATIONS COMMISSION

By: _____
George R. Dillon
Assistant Chief

Date

Carnival Cruise Lines Inc.

By: _____
Brian Swensen
VP, Technical Operations

Date